

## **REMARKS**

Claim 1-11 are pending in the present application. No claims have been added. Claims 1-3 have been cancelled. Therefore, upon entry of the present Amendment, claims 4-11 will be pending.

### ***Information Disclosure Statement – Specification***

An Information Disclosure Statement is being filed to submit, *inter alia*, references cited in the specification.

Reference to "Adaptive Filter Theory, 2<sup>nd</sup> Edition" by author Simon Haykin and published by Prentice Hall, Englewood Cliffs, N.J. 07632 has been removed. The textbook is used in college Electrical Engineering courses and is part of the knowledge of someone of ordinary skill in the art and is not material.

### ***Claims Rejections – 35 U.S.C. § 112***

Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-3 have been cancelled, so this rejection is moot.

### ***Claims Rejections – 35 U.S.C. § 113***

Claims 1-3 were rejected under 35 U.S.C. § 113(a) as being unpatentable over Gross et al. (US Patent Publication 2004/0202259 A1) in view of Katleen et al (Per Tone Equalization for DMT Based System). Claims 1-3 have been cancelled, so this rejection is moot.

### ***Double Patenting***

Claims 4 and 8 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 8, 14,

15 and 18 of co-pending Application 101229,652 now United States patent Number 7,133,44. A timely filed terminal disclaimer in compliance with 37 CFR 1.3210 signed by the undersigned registered attorney of record is being filed to overcome the rejection.

***Allowable Subject Matter***

Claims 5-7, 9-11 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With the filed Terminal Disclaimer, claims 4 and 8 are in condition for allowance. Claims 5-7 are dependent, directly or indirectly, upon claim 4. Claims 9-11 are dependent, directly or indirectly, upon claim 8.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

Respectfully submitted:

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